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JUN 29 2004

OFFICE OF PETITIONS

In re Application of :
Roger S. Cubicciotti :
Application No. 10/020,151 :
Filed: December 18, 2001 : ON PETITION
Title of Invention: :
MODIFIED PHYCOBILISOMES :
AND USES THEREFORE :
:

This is a decision in response to the Petition Under 37 CFR § 1.181, Requesting Withdrawal of Holding of Abandonment, filed February 11, 2004.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the nonfinal Office action, mailed June 20, 2003, which set a three (3) month period for reply. No reply having been received, this application became abandoned on September 21, 2003. A Notice of Abandonment was mailed on January 26, 2004.

Applicant's Assertion

Applicant asserts that a timely reply to the Office action was filed and received in the Office. In support of this assertion, Applicant provides copies of a Reply to Non-final Office Action Under 37 CFR § 1.111; one sheet of drawings; a petition for a one (1) month extension of time; a copy of a check made payable to the Commissioner of Patents and Trademarks, and a copy of a return receipt postcard acknowledging receipt of the above items by this Office on October 20, 2003.

Applicable Law

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post

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card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The petition fee has been refunded to deposit account No. 50-0206, as authorized in the instant petition.

The application file is being forwarded to Technology Center Art Unit 1743 for consideration of the Reply to Non-final Office Action Under 37 CFR § 1.111 and drawing sheet, filed February 11, 2004, and for continued examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 703-305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions